

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P00605WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/004327	International filing date (day/month/year) 23.04.2004	Priority date (day/month/year) 25.04.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant BSH BOSCH UND SIEMENS HAUSGERÄTE GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.																								
2.	This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.																								
3.	This report is also accompanied by ANNEXES, comprising: <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>1</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																								
4.	This report contains indications relating to the following items: <table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input checked="" type="checkbox"/>	Box No. VII	Certain defects in the international application	<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
 - ☐ international search (Rule 12.3 and 23.1(b))
 - ☐ publication of the international application (Rule 12.4)
 - ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):
 - ☐ the international application as originally filed/furnished
 - ☒ the description:
 - pages 1-10 _____ as originally filed/furnished
 - pages* _____ received by this Authority on _____
 - pages* _____ received by this Authority on _____
 - ☒ the claims:
 - nos. 2-21 _____ as originally filed/furnished
 - nos.* _____ as amended (together with any statement) under Article 19
 - nos.* 1 _____ received by this Authority on 22.02.2005 with the letter of 18.02.2005
 - nos.* 18.02.2005 _____ received by this Authority on _____
 - ☒ the drawings:
 - sheets 1/5-5/5 _____ as originally filed/furnished
 - sheets* _____ received by this Authority on _____
 - sheets* _____ received by this Authority on _____
 - ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (specify): _____
 - ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - ☐ the description, pages _____
 - ☐ the claims, nos. _____
 - ☐ the drawings, sheets/figs _____
 - ☐ the sequence listing (specify): _____
 - ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 6, 9

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 6, 9
are so unclear that no meaningful opinion could be formed (*specify*):

Claims 6 and 9 do not add any supplementary additional features to the subject matter of claim 1, since they contain only features which are already included in claim 1. They are therefore superfluous and render the set of claims unclear (PCT Article 6).

☐ the claims, or said claims Nos. _____ are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-5, 7-8, 10-21	YES
	Claims		NO
Inventive step (IS)	Claims	1-5, 7-8, 10-21	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-5, 7-8, 10-21	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

1 This report makes reference to the following documents:

D1: DE 38 27 528 A (CIRBUS RUDOLF; GROZA IGOR (DE)) 10 August 1989 (1989-08-10)
D2: DE 35 11 575 A (LICENTIA GMBH) 2 October 1986 (1986-10-02)
D3: FR 2 826 707 A (BRANDT COOKING) 3 January 2003 (2003-01-03)
D4: DE 34 04 430 A (BOSCH SIEMENS HAUSGERAETE) 8 August 1985 (1985-08-08)
D5: GB 1 476 724 A (GLYNWED DOMESTIC HEATING APPLI) 16 June 1977 (1977-06-16)
D6: US 5 664 862 A (QIAO YONG ET AL) 9 September 1997 (1997-09-09)

2 INDEPENDENT CLAIM 1

Document D2, which is considered the prior art closest to the subject matter of claim 1, discloses (the references between parentheses refer to that document) a cooking appliance comprising a cooking chamber (5) and a lighting

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

arrangement (3) for illuminating the cooking chamber, said lighting arrangement comprising a reflector (8) with (at least) a first reflector surface (9) which reflects the light from a light source (4) of the lighting arrangement as diffuse scattered light into the cooking chamber, the reflector having (at least) a second transverse reflector surface (9') which is arranged transversely to the (at least one) first reflector surface, said second reflector surface reflecting the light from the light source into the cooking chamber in a bundled manner, the (at least one) first reflector surface being curved in the manner of a groove.

The cooking appliance according to claim 1 differs from the cooking appliance disclosed by document D2 in that the front ends of the at least one first reflector surface which is curved in the manner of a groove are closed by the second transverse reflector surfaces.

The objective problem intended to be solved by the invention can be considered that of reducing depreciation of the light when it is reflected by the reflector.

Since the proposed solution to that problem is not suggested even by a combination of available prior art documents, the subject matter of the invention as per claim 1 can be considered novel and inventive (PCT Article 33(2) and (3)).

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statementDEPENDENT CLAIMS 2-5, 7-8, 10-21:

Since the subject matter of claim 1 is considered novel and inventive, the subject matter of dependent claims 2-5, 7-8 and 10-21 is also considered novel and inventive.

The invention is clearly industrially applicable.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The two-part form of claim 1 should have been brought into line with the disclosure of document D2.

Contrary to PCT Rule 5.1(a)(ii), the description does not cite documents D1-D4 or indicate the relevant prior art disclosed therein.

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Box No. VIII **Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 6 and 9 should have been deleted (see also
Box III) .